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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/532,520	01/30/2006	Deborah Addison	JJM0627USPCT	5799

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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

EXAMINER	
LEWIS, KIANDRA CHARLE	
ART UNIT	PAPER NUMBER
3772	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/532,520	ADDISON ET AL.	
	Examiner	Art Unit	
	Kiandra C. Lewis	3772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) *11-21* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/25/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I claim(s) 1-10, drawn to a wound dressing composition.

Group II, claim(s) 11-21, drawn to a wound dressing kit.

2. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the wound dressing kit requires limitations to the packaging (see claims 13 and 14) of the wound dressing components. Futhermore the wound dressing kit also requires limitations drawn to the preparation and use of a wound dressing composition. The invention of Group I does not require the limitations of the invention of Group II.

3. During a telephone conversation with Blossom Loo on 01/23/2007 a provisional election was made **with** traverse to prosecute the invention of Group 1, claims 1-10. Affirmation of this election must be made by applicant in replying to this Office action. Claims 11-21 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

4. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim

remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Priority

5. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

6. The abstract of the disclosure is objected to because it needs to be on a single sheet. Correction is required. See MPEP § 608.01(b).

Claim Objections

7. Claim 8 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 8 has identical subject matter as claim 3.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1- 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Szyver US 4,614,787.

As to claim 1, Szycher et al. discloses a wound dressing that is strong and flexible and can be made to conform to the shape of the site of the wound (col. 2, lines 5-8). Szycher discloses the method for obtaining the polyurethane dressing. Described within the reference the polyurethane cures at room temperature (col. 2, lines 22-24), so it is inherent that the wound dressing composition comprises partially cured polyurethane fluid.

As to claim 2, Szycher discloses that the major components of the polyurethane composition are a polyol and an diisocyanate. They after curing form a polyurethane matrix that is used to dispensing a medicinal agent. It is inherent that the dressing is at least 50% by weight polyurethane because polyurethane is the main component (col. 2, lines 45-68).

As to claim 3, the limitations "has been prepared by mixing a diisocyanate or a polyisocyanate component with a diol or polyol component" has been treated as a product by process limitation. Furthermore, it is known in the art that polyurethane is formed by the mixture of diiosocyanate or a polyisocyanate with a diol or polyol component. Isocyanates are known to crosslink with hydrogels to form polyurethanes (polymers made of urethane and/or urea linkages. Szycher et al. specifically discloses

in their patent that the polyurethane polymer is the reaction of a diisocyanate and a polyol(col. 2, lines 60-64).

As to claim 4, Szycher et al. disclose that unreacted isocyanate remain after the reaction of the components of the wound dressing composition (col. 6, lines 9-14).

As to claim 5, Szycher et al. disclose that the amount of unreacted isocynate should be low (col. 4, lines 36-42).

As to claim 6, Szycher et al disclose that the wound dressing is drug dispensing to a variety of medicaments my be incorporated into the composition (col. 3, lines 54-68).

As to claim 7, Szycher et al. disclose that the wound dressing has the ability to cure at room temperature (col. 1, lines 45-47). It is inherent that the curing time would be anywhere from 0.1-100 minutes if the dressing is to be used in suitable amount of time that it can be placed in the wound and form to the shape of the wound without causing any trauma.

As to claim 8, Szycher et al. discloses the dressing composition to be part of a wound dressing. See rejection to claim 3 above.

As to claim 9, Sycher et al. disclose that the wound dressing may have a reinforcing element. Szycher et al. disclose that the film of the dressing may be formed on a textile fabric (col. 5, lines 43-44).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

12. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Szycher et al. in view of Zamierowski US 4,969,880.

As to claim 10, Szycher et al. disclose all the limitation of the base claim, see rejection to claim 8 or 9 above, but does not expressly disclose that the wound dressing comprises drainage elements to assists the drainage of exudates from wounds. It is however known in the art to remove excess exudates from wounds by the use of a vacuum or suction means. Furthermore, Zamierowski discloses a hydrophilic wound dressing and teaches the use of a tube that can be used to drain fluids from the wound ('880, col. 2, lines 2-9). It would have been obvious to one having ordinary skill in the art at the time of the invention to include a drainage element in the dressing of Szycher et al. as disclosed by Zamierowski for the purpose of prolonging the effectiveness of the wound dressing and avoiding having to change dressings frequently ('880, col. 7, lines 60-66).

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 6,303,731; US 4,551,518; US 5,844,013.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kiandra C. Lewis whose telephone number is 571-272-7517. The examiner can normally be reached on Mon-Thurs 9AM-6PM and alternating Fridays 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on 571-272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KCL

PATRICIA BIANCO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700
2/1/07